

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1586
OFFERED BY MR. LAMALFA OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Forest Protection and
3 Wildland Firefighter Safety Act of 2023”.

**4 SEC. 2. PERMITTING REQUIREMENTS FOR CERTAIN DIS-
5 CHARGES OF FIRE RETARDANT.**

6 (a) AUTHORIZED USES.—The Secretary of the Inte-
7 rior and the Secretary of Agriculture are each authorized
8 to discharge a fire retardant, chemical, or water from air-
9 craft for fire suppression, control, or prevention activities.

10 (b) PERMITTING REQUIREMENTS.—Notwithstanding
11 any provision of the Federal Water Pollution Control Act
12 (33 U.S.C. 1251 et seq.), a permit under section 402 of
13 such Act (33 U.S.C. 1342) shall not be required for the
14 activities authorized by subsection (a) or for similar activi-
15 ties conducted by a covered entity.

16 (c) DEFINITION.—In this section, the term “covered
17 entity” means—

18 (1) the Forest Service;

- 1 (2) the National Park Service;
- 2 (3) the Bureau of Land Management;
- 3 (4) the United States Fish and Wildlife Service;
- 4 (5) the Bureau of Indian Affairs;
- 5 (6) the Federal Emergency Management Agen-
- 6 cy;
- 7 (7) a State (as defined in section 502 of the
- 8 Federal Water Pollution Control Act (33 U.S.C.
- 9 1362)) or a political subdivision thereof;
- 10 (8) a Tribal government; and
- 11 (9) the Department of Defense.

Amend the long title so as to read: “To allow the Secretary of the Interior and the Secretary of Agriculture to use a fire retardant, chemical, or water from aircraft for fire suppression, control, or prevention activities.”.

